

Affidavit of Service**UNITED STATES DISTRICT COURT
For the NORTHERN DISTRICT OF NEW YORK****COURT****Civil Action No.: C 09-1478 SI**

IMPLICIT NETWORKS, INC.

Plaintiff,

v.

SYBASE, INC. and MICROSOFT CORPORATION,

Defendant.

I, James F. Inman, being first duly sworn, deposes and says: that I am over the age of 18 years and not a party to this action, and reside in the County of Tompkins, State of New York and that within the boundaries of the State where service was effected, I was authorized by law to perform said service.

Service: I served

EMIN G. SIRER**NAME OF PERSON / ENTITY BEING SERVED**With (Documents): SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

By leaving with:

EMIN G. SIRER
NAME

AT: Employment

Cornell University, Department of Computer Science, 4151 Upson Hall, Ithaca, New York 14853
ADDRESS CITY / STATE

On March 1, 2010 AT 1:45 PM
DATE/TIME

Manner of Service:

- ☒ **Personal:** By personally delivering copies to the person being served.
☐ **Substituted at Residence:** By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household and explaining the general nature of the papers.
☐ **Corporate/LLC:** By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.
☐ **Affixing To Door:** By affixing a true copy thereof to the door of said premises
☐ **Copy Mailed:** On _____, a copy thereof was deposited in a postpaid, properly addressed envelope, marked "Personal and Confidential" in a depository maintained by the U.S.P.S. and mailed to the above address.
☐ **Non-Service:**
☐ Unknown at Address ☐ Moved, Left no Forwarding ☐ Service Cancelled by Litigant
☐ Unable to Serve in Timely Fashion ☐ Address Does Not Exist

Service Attempts: Service was attempted on: (1) _____

DATE TIME

(2) _____

DATE TIME

(3) _____
DATE TIME(4) _____
DATE TIME(5) _____
DATE TIME(X) **WITNESS FEES:** Advanced payment of \$85.00 was made.**MILITARY SERVICE:** ____yes ____**X**no

Description of person spoken to: Sex Male Skin color White Age 35 y.o. Height 5' 8" Weight 170 lbs.
 Hair Brown Other Glasses

James F. Inman
SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this 1st day of March, 2010

Emily Eva Emmick
SIGNATURE OF NOTARY PUBLIC

EMILY EVA EMMICK
 Notary Public - State of New York
 No. 01EM6187060
 Qualified in Tompkins County
 My Commission Expires May 12, 2012

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

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PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for (name of individual and title, if any) Emin G. Sirer
 was received by me on (date) 2/26/10.

☒ I served the subpoena by delivering a copy to the named individual as follows: Personal service
upon Emin G. Sirer at Cornell University, Dept. of Computer Science,
4151 Upson Hall, Ithaca, NY 14853 on (date) 3/1/10; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ 85⁰⁰.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: March 1, 2010

James F. Inman
 Server's signature
James F. Inman, Process Server
 Printed name and title

306 Buck Rd, Lansing, NY 14882
 Server's address

Additional information regarding attempted service, etc: